BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION FOR THE GENESIS SOLAR ENERGY PROJECT GENESIS SOLAR, LLC	DOCKET NO. 09-AFC-8

CARE COMMENTS ON NOI TO PREPARE ENVIRONMENTAL REVIEW OF THE GENESIS SOLAR ENERGY PROJECT

The Bureau of Land Management (BLM) and the California Energy Commission (CEC) are inviting the public to provide comments on the scope of environmental review to analyze a proposal from NextEra Energy Resources LLC, to build a 250-megawatt solar thermal power plant on federal land at Ford Dry Lake, 25 miles west of Blythe in eastern Riverside County, California.

The BLM published a notice of intent (NOI) in the Federal Register on Nov. 23, 2009, to prepare a joint draft environmental impact statement (DEIS)/draft land use plan amendment and preliminary staff assessment for the proposed power plant. In compliance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Palm Springs-South Coast Field Office, together with the California Energy Commission (CEC), intend to prepare an Environmental Impact Statement (EIS) and Staff Assessment (SA), which may also include an amendment to the California Desert Conservation Area (CDCA) Plan (1980, as amended). The DEIS/PSA is a collaborative effort between the BLM, as the lead agency under the National Environmental Policy Act, and the CEC, as the lead agency under the California Environmental Quality Act (CEQA). Publication of the NOI initiates a public scoping period of 30 days, ending Dec. 23, 2009. During the scoping period, the public was invited to identify and comment on issues, concerns, potential impacts, alternatives, and mitigation measures that should be considered in the analysis of the proposed action. The BLM and CEC will use public scoping comments to prepare the draft environmental documents that will be available for public review.

CAlifornians for Renewable Energy (”CARE”) hereby submits comments on the NOI.

Comments on NOI

The proposed project will create significant adverse immitigable impacts of a broad range including, but not limited to, visual, water, soils, biological, and cultural resources impacts that should be further analyzed. Some example project impacts that need to be further analyzed are 1) direct impacts of the industrializing 7.25 square miles of wilderness under lease from the BLM, 2) the direct impacts on lost habitat and access to cultural resources from industrial development of a 3 square mile project, and 3) both socioeconomic and environmental impacts of extraction of 1,644 acre feet annually of precious ground water in the desert wilderness where the project is proposed to be sited. The project as proposed will despoil a portion of the desert wilderness for private gain on lands that "are very sacred to the Uto-Aztecan and in nahuatl they are called "Hue-Hue-Talpallan" which means Hue (Ancient), Hue (Ancient), Talpallan (Reddish Earth) altogether this means "The Ancient, Ancient Reddish Earth" where the Creator Quetzalcoatl descends at sun down. " The development of the proposed "green field" project a industrial solar thermal proposal is antithetical to the sacred sites purpose and appears to be intended to essentially trap the Creator Quetzalcoatl as the deity descends at sun down.

Prior approvals demonstrate that the CEC and other state and federal agencies[1] could care less about the importance of the site to native peoples as they are pre-committing to a certain plan prior to conducting an independent environmental review. The Genesis Solar Energy Project - 09-AFC-8 as proposed fails to include a reasonable range of alternatives to the project, including the No-Action alternative and the reasonably foreseeable alternative of locating solar photovoltaic (PV) distributed generation (DG) near to load centers on brown-field sites (roof tops) where new transmission infrastructure may not be needed to connect these solar resources.

[1] Salazar Highlights Fast-Track Renewable Energy Projects, WASHINGTON, D.C. -- Citing what he called America's urgent need for a diverse energy supply, Secretary of the Interior Ken Salazar today detailed several renewable energy projects that are on a fast track, including a 400-megawatt solar tower development available for public review and five others that are poised to begin environmental impact studies. Five of these are solar projects and one is a wind farm; all are located in California.
"Under President Obama's leadership, we have entered a new energy frontier," Salazar said. "By putting these renewable energy projects on a fast track, we are managing our public lands not just for conventional energy development but also for environmentally responsible renewable energy production that will power our clean energy future."
http://www.blm.gov/pgdata/etc/medialib/blm/wo/Communications_Directorate/public_affairs/news_release_attachments.Par.39781.File.dat/DOI_NR_11_05_2009.pdf

This High DG alternative has significant environmental and socioeconomic advantages to the proposed project, which should qualify High DG as the environmentally preferred alternative.

The Genesis Solar Energy Project - 09-AFC-8 is pre-committing to a certain plan prior to conducting and independent environmental review

The Genesis Solar Energy Project - 09-AFC-8 appears to be pre-committing to a certain plan prior to conducting an independent environmental review [EIR/EIS] which violates the public participation requirements under the California Environmental Quality Act (CEQA), and the National Environmental Policy Act (NEPA). The project requires an EIS because it involves land that is currently owned by the Federal Government.

> "The Cities of Vernon and Compton [] and others filed petitions for writ of mandate to challenge the certification of an environmental impact report as to a portion of the redevelopment plan of the City of Long Beach for the Long Beach Naval Station. The Superior Court ordered the writ issued on the ground that certification of the final environmental impact report (FEIR) was a "post hoc rationalization" of a prior approval of the project...."[2]
>
> "Failure to follow the NEPA process of evaluation of actions, public involvement, and decision maker consideration of full information, before actions are taken, is what is called a procedural lapse in implementation of the NEPA process. Some portion of the NEPA process has been left out or a short cut taken.
>
> Timing - Premature selection and commitment to proposed action resulting in a "pre-decision" or preparing the NEPA document after the applicant has begun implementation of the project thus negating the intent of the law. Sometimes called post facto documentation or informally, NEPA backfill. The lapse directly relates to the need to treat NEPA compliance as a process rather than a document and includes consideration of the environment and public input before decisions at a local level are finalized or before action is taken. This lapse emphasizes the need for applicants, state, and federal officials involved to be educated on the process."[3]

Some examples of evidence of this unlawful pre-commitment in the AFC are in the No Project Alternative section.

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[2] See http://ceres.ca.gov/ceqa/cases/1998/vernon.html

[3] Seehttp://www.fema.gov/library/file?type=publishedFile&file=nepa_desk_reference.pdf&fileid=78c5f760-0026-11dd-baa4-001185636a87

> In 2002, the State established the Renewable Portfolio Standard (RPS) program, with a goal of increasing the percentage of renewable energy in the State's electricity mix to 20 percent by 2017. The 2003 Energy Report recommended accelerating the 20 percent goal for renewables to 2010, while the 2004 Energy Report and the State's 2005 Energy Action Plan recommended increasing the target percentage to 33 percent by 2020. The 2006 Energy Report Update states "California must accelerate its pace of development if it is to meet its long-term Renewable Portfolio Standard Goal of generating 33 percent of the State's electricity from renewable sources by 2020, as recommended by Governor Schwarzenegger, the Energy Commission, and the California Public Utilities Commission" (CEC, 2006). The 2007 IEPR states "renewable resources are an essential tool for reaching AB 32 goals," but "program adjustments" are needed to meet the 2010 and 2010 Renewable Portfolio Standard goals (CEC, 2007). The 2007 IEPR cites the "critical imperative to reduce greenhouse gas emissions" and "management of the risk borne by ratepayers for electricity generation" as the two main considerations driving the need to achieve the RPS goals. The IEPR states the goal of 33 percent renewables by 2020 is achievable "with a concerted effort by and coordinated support from government, industry, and the public." (CEC, 2007)

All these prior decisions cited that support this project's approval demonstrate that the CEC is pre-committing to a certain plan prior to conducting an independent environmental review. Using such prior decisions as the basis for over riding consideration in any future EIR/EIS would be improper. Prior decisions therefore should be excluded from the environmental analysis for it to be independent from decision maker's prior commitments to a certain project and development plans.

The Alternatives Analysis fails to include the reasonably foreseeable High Distributed Generation alternative

On June 12, 2009 the California Public Utilities Commission (CPUC) Energy Division released its *33% Renewables Portfolio Standard Implementation Analysis Preliminary Results*.[4]

> California lawmakers are currently developing legislation to increase the current 20% by 2010 Renewables Portfolio Standard (RPS) to 33% by 2020. The California Public Utilities Commission (CPUC) and California Energy Commission (Energy Commission) have endorsed this change and it is a key greenhouse gas (GHG) reduction strategy in the California Air Resources Board's (ARB) Assembly Bill (AB) 32 Scoping Plan. As the principal agency responsible for

[4] You can access this report at http://docs.cpuc.ca.gov/PUBLISHED/GRAPHICS/102354.PDF.

> implementing the current RPS program, the CPUC has learned many lessons that can help guide the design of a higher mandate. In addition, several recent analyses have cast light on various aspects of renewable energy development and integration. Drawing on these resources and new analyses, staff at the CPUC developed this report in order to provide new, in depth analysis on the cost, risk, and timing of meeting a 33% RPS. This report does not recommend a preferred strategy on how to reach a 33% RPS, but rather provides an analytical framework for policymakers to weigh the tradeoffs inherent in any future 33% RPS program for California. [Executive Summary]

This study provides analysis of different possible renewable scenarios. It draws heavily on data and assumptions, including RETI and the GHG Calculator[5], both of which were scrutinized and evaluated through stakeholder processes in which CARE participated. The analysis also used a stakeholder working group to vet and refine the study methodology, assumptions, and inputs, especially when the assumptions differed from existing studies**;** also in which CARE participated. The report also incorporates new resource potential identified in RETI and other sources, existing resources from the Western Electricity Coordinating Council's (WECC) most recent west-wide study cases, and proposed projects under development identified through utility procurement solicitations. As a result, the renewable energy project and cost data underlying this analysis is likely the best publicly available data to date.

The CPUC Energy Division *33% Renewables Portfolio Standard Implementation Analysis Preliminary Results* is deficient (which should be addressed in the final environmental analysis) however in at least two areas (1) it fails to identify or quantify the appropriate capacity factors averaged and on peak for the different renewable resource scenarios and (2) it fails to identify or quantify to analyze the indirect greenhouse gas (GHG) production (i.e., life-cycle costs) induced by the implementation for the different renewable resource scenarios.

[5] E3 developed a database of renewable resource potential throughout the WECC as part of its GHG modeling analysis for the CPUC, ARB, and the Energy Commission. The study team relied on the E3 database for information on renewable resources outside of California. The E3 database compiled the data through GIS date from the National Renewable Energy Laboratory, the Energy Information Administration, the Energy Commission, and the Western Governor's Association. More detailed information is available here: http://ethree.com/CPUC_GHG_Model.html.

This makes the ED report's finding and conclusion that "[a]ll of the 33% RPS cases result in GHG emission reductions" at best hearsay speculation since there is no quantitative analysis of the indirect greenhouse gas (GHG) production (i.e., life-cycle costs) induced by the implementation for the different renewable resource scenarios, including any attempt to quantify the effects of hourly wind volatility on CO_2 production. I note the report does provide a disclaimer in this regard stating also at page 56 "[a]s mentioned previously, GHG emission reductions are measured based on the emissions reduced during generation. A lifecycle GHG analysis was beyond the scope of this analysis."

Public Utilities Code Section 399.14 requires a renewable project selection process called “least-cost, best-fit,” which allows the utility to select the project based on the value to the ratepayer and the utility [i.e., *need*]. The statute requires the CPUC to consider estimates of indirect costs associated with the project, including new transmission investments and ongoing utility expenses resulting from integrating and operating renewable energy resources. This includes the costs for mitigation of direct and indirect impacts of the project, both environmental and socio-economic impacts both which are interrelated.

The CPUC Energy Division *33% Renewables Portfolio Standard Implementation Analysis Preliminary Results* report provides some useful information on both the "cost" and “fit” attributes of four different portfolios of renewable resources. The high distributed generation (DG) scenario assumes limited new transmission corridors are developed to access additional renewable resources to achieve a 33% RPS. Instead, extensive, smaller-scale renewable generation is located on the distribution system and close to substations. Under this scenario it can be demonstrated there is no demonstrated need for the proposed project.

In regards to the High DG scenario the report concludes at page 59 "[a] high DG strategy could facilitate achieving a 33% RPS in 2020 as well as mitigate some of the need for transmission and transform the market for solar PV technologies." The report goes on to provide Table 14 a *Comparison of 33% RPS Cases Across RPS Policy Objectives* and Table 14 demonstrates that the High DG scenario is the best "fit" to achieving RPS compliance with the highest rating of the scenarios analyzed.

[The Report's footnote 41 text notes] "[t]his study only preformed an implementation analysis on the 33% RPS Reference Case. Thus, evaluation of other cases for all criteria (except

for cost and GHG reductions) is based on a qualitative analysis drawing from over seven years of experience in implementing the RPS program."

Table 14. Comparison of 33% RPS Cases Across RPS Policy Objectives[41]

Policy Objective	33% RPS Reference Case	High Wind Case	High Out-of-State Delivered Case	High-DG Case
Cost	◒	●	●	○
Timing	○	◒	◒	◒
GHG Emission Reductions	●	●	●	●
Resource Diversity	●	●	●	●
Local Environmental Quality Air Quality	●	◒	○	●
Local Environmental Quality Land Use	○	◒	◒	●
Economic Development	◒	◒	○	◒
Long-Term Transformation	●	○	○	●
Technology Development Risk	○	●	●	○

Legend:
● Case performs well ○ Case performs poorly ◒ Case is neutral

PD fails to properly consider the No Action alternative as required by CEQA/NEPA

The NOI and AFC failed to provide the "no-action alternative". In every EIS, the agency *must* consider a no-action alternative[6] The no-action alternative provides a benchmark for comparing environmental consequences of the status quo with those of the proposed action.[7] Here, however, the AFC failed to consider the no-action alternative and instead made unwarranted assumptions that future decisions and conditions would make the no-action alternative virtually indistinguishable from the proposed project. The AFC's failure to provide an adequate benchmark for comparing environmental consequences of the alternatives made the alternative analysis inadequate.

When federal agencies decide on project proposals, "[n]o action . . . would mean the proposed activity would not take place, and the resulting environmental effects from taking no

[6] 40 C.F.R. § 1502.14(d).
[7] *Ctr. for Ctr. for Biological Diversity v. U.S. Dept. of Interior*, 581 F.3d at 1071.

action would be compared with the effects of permitting the proposed activity or an alternative activity to go forward."[8] The Ninth Circuit has held that "consideration of the alternatives requirement . . . guarantee[s] that agency decision-makers have before them and take into proper account all possible approaches to a particular project (*including total abandonment of the project*)."[9] An example of similar evasion appears in *Center for Biological Diversity*, where the BLM approved a land exchange giving Asarco fee ownership of land it intended to mine.[10] BLM based approval on the assumption that mining would occur in the same way with or without the land exchange, because Asarco already held mining claims on the selected lands.[11] But BLM's evaluation of its no-action alternative was improper.[12] The Ninth Circuit reasoned that BLM improperly assumed that the no action alternative would result in the same outcome as the other action alternatives would.[13] In reality, however, without the land exchange, BLM would have had to require Asarco to comply with mining law, including submitting mining-operation plans for approval to use the land under certain circumstances.[14] By contrast, Asarco's fee land-ownership under the preferred alternative would have removed those regulatory requirements. Thus, in describing its no-action alternative, BLM failed to give an accurate portrayal of the status quo for a meaningful comparison of alternatives.[15]

Just as the defendant in *Center for Biological Diversity* developed an unlawful no-action alternative by improperly characterizing the regulatory context under the status quo, the AFC's no-project alternative inaccurately portrayed the proposed project developer's entitlements in the regulatory context.

> Under the No Project alternative, the Project would not be constructed, and *the electrical power that would have been generated will be generated by other facilities, presumably natural gas-fired generation.* Because the Project facilities would not exist, its direct environmental impacts would not occur. However, *indirect impacts would result in greater fossil fuel consumption and ultimately additional air pollution. It is expected that since solar power is generated close to peak consumption periods of the*

[8] Forty Most Asked Questions Concerning CEQ's NEPA Regulations, 46 Fed. Reg. 18026, 18027 (March 23, 1981).
[9] *Pit River Tribe v. U.S. Forest Serv.*, 469 F.3d 768, 785 (9th Cir. 2006) (emphasis in original).
[10] *Ctr. for Biological Diversity v. U.S. Dept. of Interior*, 581 F.3d at 1065.
[11] *Id.* at 1074-75.
[12] *Id.*
[13] *Id.*
[14] *Id.* at 1065.
[15] *Id.* at 1074-75.

> *day, the peaking power needs met by the Project-generated power otherwise would be met by fossil fuel-fired peaking units such as simple-cycle gas turbines and other rapid starting equipment (e.g., reciprocating engines) that would produce higher levels of air emissions than a solar thermal power plant.*
>
> The No Project alternative would mean the proposed solar Project would not be developed and thus, the No Project alternative would not support the State's RPS program goals. The purpose of the Project is to generate renewable solar power and provide electric power to Californian electrical users. The *No Project alternative is not the appropriate choice because it does not provide the additional power needed in California in a manner that assists the State in meeting its renewable power and greenhouse gas reduction goals.*

Clearly the failure to include the High DG alternative is an unlawful attempt to minimize the impacts of the project by not considering a reasonable range of alternatives as demonstrated by the AFC's improper assumption that under its No-Project alternative *presumably natural gas-fired generation* will be required to supply generation capacity if the project is not approved.

Clearly such finding would be erroneous since whenever a agency approves a major action that may affect the environment, it must comply with NEPA. NEPA "establishes 'action-forcing' procedures that require agencies to take a 'hard look' at environmental consequences," including, in many cases, preparation of an EIS.[16] In addition to analyzing the proposed agency action, an EIS must "'[r]igorously explore and objectively evaluate all reasonable alternatives' to [the proposed] action. The analysis of alternatives to the proposed action is 'the heart of the environmental impact statement.'"[17]

To comply with its obligations under NEPA, an agency must analyze an adequate range of reasonable alternatives. The PD and FEIR failed to engage in a sufficient alternatives analysis in three ways. First, it did not re-evaluate the range of feasible alternatives in light of the project purpose. Second, the range of alternatives considered by the Commission was unreasonable because it failed to consider the High DG alternative. Third, the analysis of the No Action Alternative was flawed. Therefore, the AFC proposed No-Project alternative is inconsistent with the requirements of NEPA, and the agency must redo the study and allow public comment on a

[16] *Center for Biological Diversity v. U.S. Dept. of Interior*, 581 F.3d 1063, 1071 (9th Cir. 2009) (internal citations omitted).
[17] *Id.*; 40 C.F.R. § 1502.14 (2009).

reasonable range of alternatives.

The AFC fails to identify so therefore the NEPA analysis must provide for a feasible No action and/or CEQA No-Project alternative which when combined with the High DG alternative should be environmentally superior to the proposed project. Essentially the AFC as proposed by the applicant argues the proposed project is environmentally superior to doing nothing. Such a finding violates the NEPA and CEQA requirements to analyze the No action / No-Project alternative and are nonsensical since the AFC failed to properly consider the "appropriate" alternatives" including the High DG alternative. Therefore final environmental analysis should consider the "appropriate" alternatives" including the High DG alternative and the No-Action alternative.

Environmental review must analyze direct impacts on cultural resources

Herein are theNOI comments of Alfredo Figueroa (CARE member) to the BLM regarding our position and I am attaching 2 maps of the Sacred trails that come from the Palen Mountains and McCoy Springs which is where the proposed Genesis Solar Energy Plant site is.
Sin mas desde la Cuna de Aztlan me Despido, Alfredo Acosta Figueroa

Dear Bureau of Land Management,

We the members of La Cuna de Aztlan Sacred Sites Protection Circle are against the proposed Genesis Solar Energy Power Project site. The proposed Genesis Solar Energy site is located approximately 4-5 miles from Interstate-10 and lies north of Ford Dry Lake at the base of the south end of the Palen Mountains.

On December 9,2009 the Palo Verde Times invited the general public to an onsite visit to the proposed site. However, the onsite visit and hearing turned out to be a big farce. Before I went to City Hall I was undecided if I should take my hiking shoes because the Palo Verde Times newspaper article said **"That we were going to visit the site."** But when we were in line to board the bus, I noticed that the ladies of the company had high heels shoes. This is when I knew something was up, and sure enough when the bus stopped at the Ford Dry Lake off-ramp we didn't even get off. Instead we were told by the tour guides to look north towards the base of the Palen Mountains at the proposed site. They also said that they had placed some large balloons above the site as markers and offered us binoculars to see the balloons from the bus, however no one was able to see them. My brother and I were indeed misconstrued and where very perturbed because we thought that we were going to visit the site.

The Palen Mountains are very sacred to the Uto-Aztecan and in nahuatl they are called "Hue-Hue-Talpallan" which means Hue (Ancient), Hue (Ancient), Talpallan (Reddish Earth) altogether this means "The Ancient, Ancient Reddish Earth" where the Creator Quetzalcoatl descends at sun down.

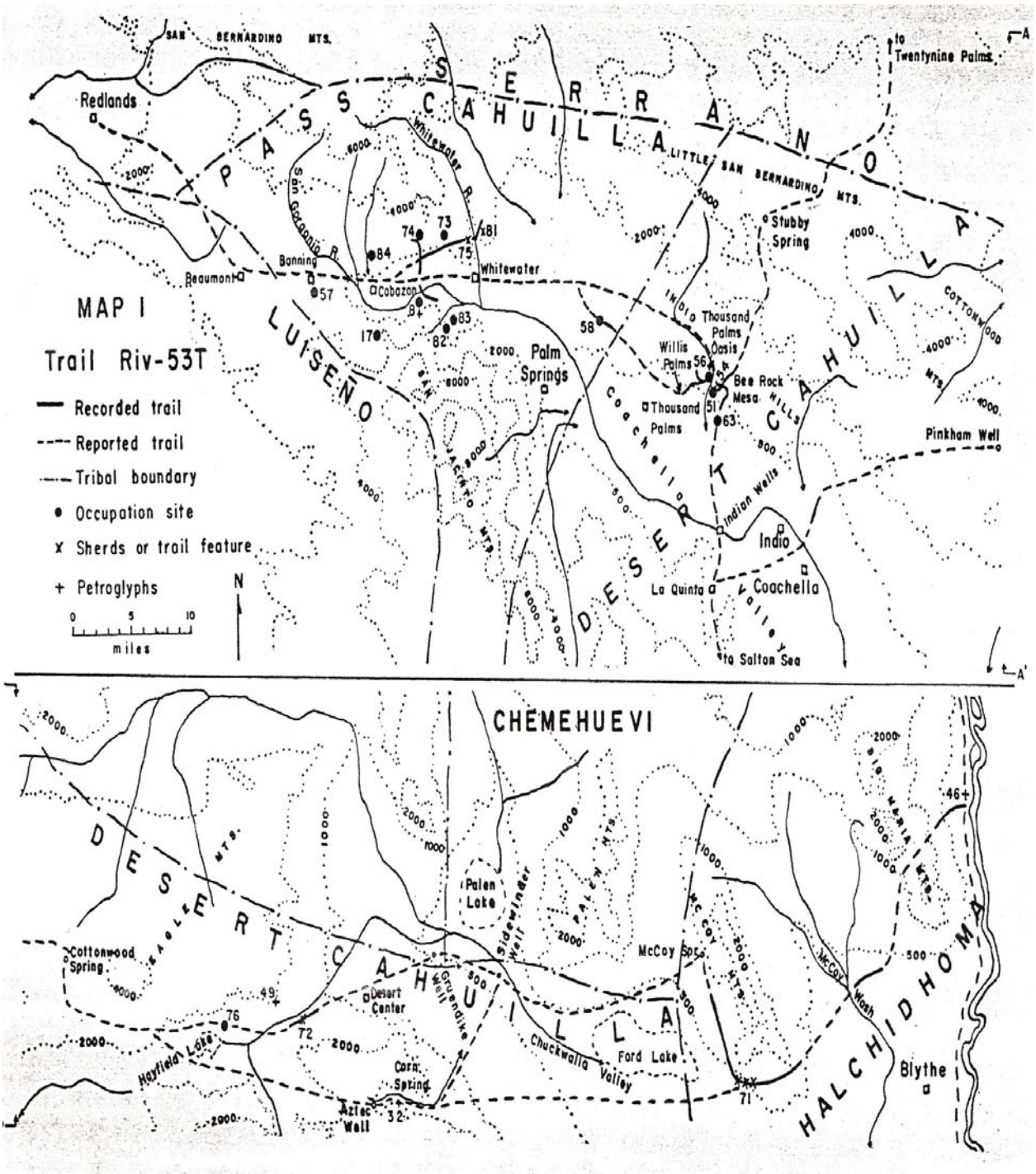
When you see the section in the center of the Palen Mountains you can see that it has a large image of a wrinkled reddish face looking towards the west. At the base of the Palen Mountains there is a large arroyo that has a large rectangular 20x40 foot wall that is facing west and among the petroglyphs is the image of the creator shown as a stick figure descending together with Xolotl "the dog." This is the place where the creator goes to the underworld.

The trail that leads to and from the petroglyphs of the Palen Arroyo meets with the trail that comes from the petroglyphs of the McCoy Springs (from the east) and they meet directly on the site. This is why I was so interested in going to the site in the first place.

The junction of the two trails, lead to Desert Center and 4.7 miles west of Desert Center is where the 13 monuments are located. They represent "13 Acatl" which is the top section of the Aztec Sun Stone Calendar.

Confirming our traditional knowledge of the area are the following known archeologist reports: In Bern Schwenn article ***"In the Foots of the Ancients"*** *American Desert Magazine, December 1992,* he said, **"Another trail in the Coco-Maricopa begins just above Blythe by the Intaglios and runs from the Colorado River through the Big Maria Mountains and south of the McCoy Mountains to McCoy Springs. From that spring, it heads roughly north of Ford Dry Lake and above Desert Center to reach Hayfield Spring."**

In addition we have well-known archeologist Francis J. & Patricia H. Johnston's preliminary survey **"An Indian trail complex of the Central Colorado Desert."** University of California, archeological survey #37, April 1, 1957. In this survey and map the Johnston's clearly indicate that the trail passes north of Ford Dry Lake towards Desert Center.



Francis J. & Patricia H. Johnston's Map: University of California Archaeological Survey, April 1, 1957

This proposed Genesis Solar Power Plant site is not acceptable because of the Sacredness and lack of water. There are hundreds of other applications being submitted to the California Energy

Commission for other sites. Therefore we must be very alert and never permit any kind of construction to be built on any Sacred Sites.

When we returned from the tour we heard the NextEra Energy companies petition and why they should be granted the license to build this gigantic Genesis Solar Energy Project (which is a combined 250 megawatt). During their power point presentation their representative Scott Galati told the BLM and the California Energy Commission staff that he was disgusted and furious for having to go through all these procedures and comply with the regulations of CEQA and NEPA, and to especially comply with the lengthy time frames. Galati told the commissioners if they delayed too long the Federal stimulus money would probably be depleted.

Galati also stated that the underground aquifer water that they need to run the plant has no connection with the Colorado River. Therefore, the Colorado River water regulations do not comply. As a matter of fact, he was scolding the BLM representatives and the Commission staff because of their delay in the proceedings.

During the public comments I told them that the Blythe Energy Plant was built on top of one of the most important sacred sites that we have which was the crossroads of the Quechan north-south trail and the Coco-Maricopa east-west trail that formed the four directions. In addition I told them the community of Blythe was not proud of building the Blythe Energy Plant because they displaced 500 citrus workers when they destroyed the 1,500 acres of citrus trees just for the water rights.

Overall this is a high concern for us and the Chemehuevi Tribe especially now that we have an MOU with the BLM to be guardians of the Sacred Sites along the Colorado River.

Companies such as NextEra Energy have no respect or concern for Mother-Earth and our Native Traditions.

I am attaching Johnston's (above) and McCarthy's map (below) of the trail systems from the Colorado River that clearly shows the trails passing in between the north end of Ford Dry Lake and the south end of the base of the Palen Mountains.

Sincerely,

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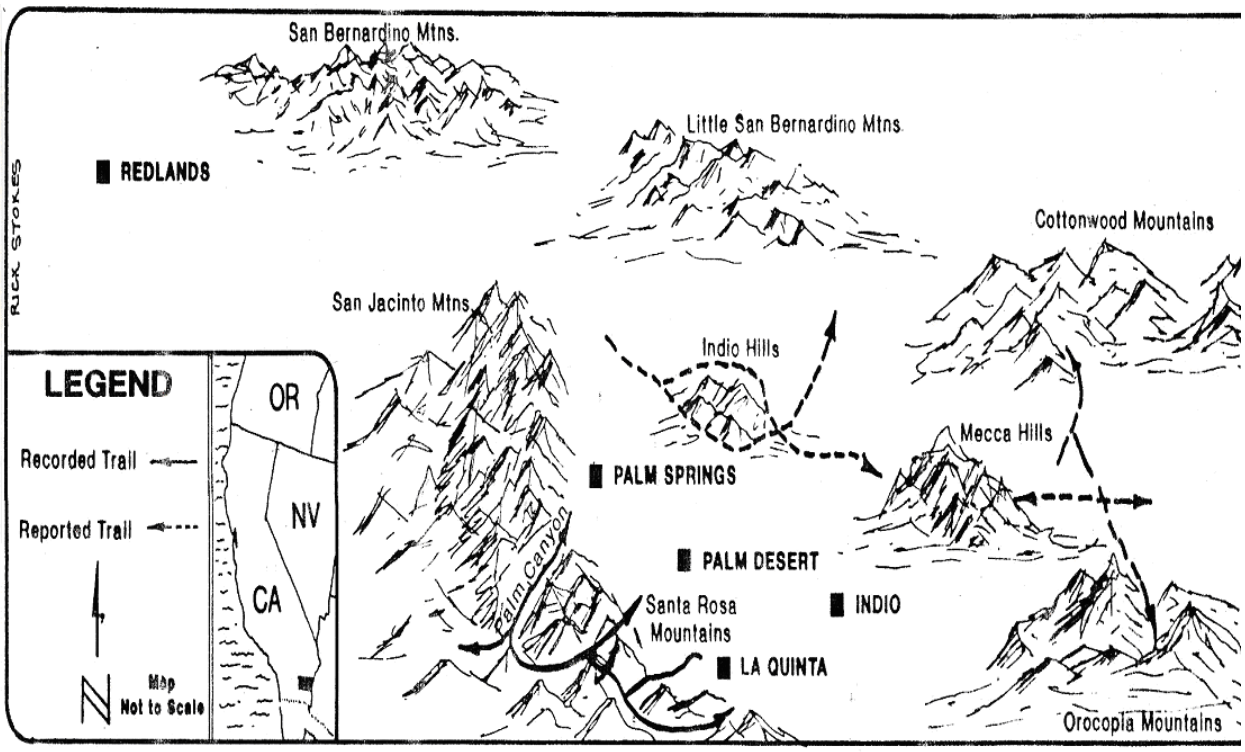

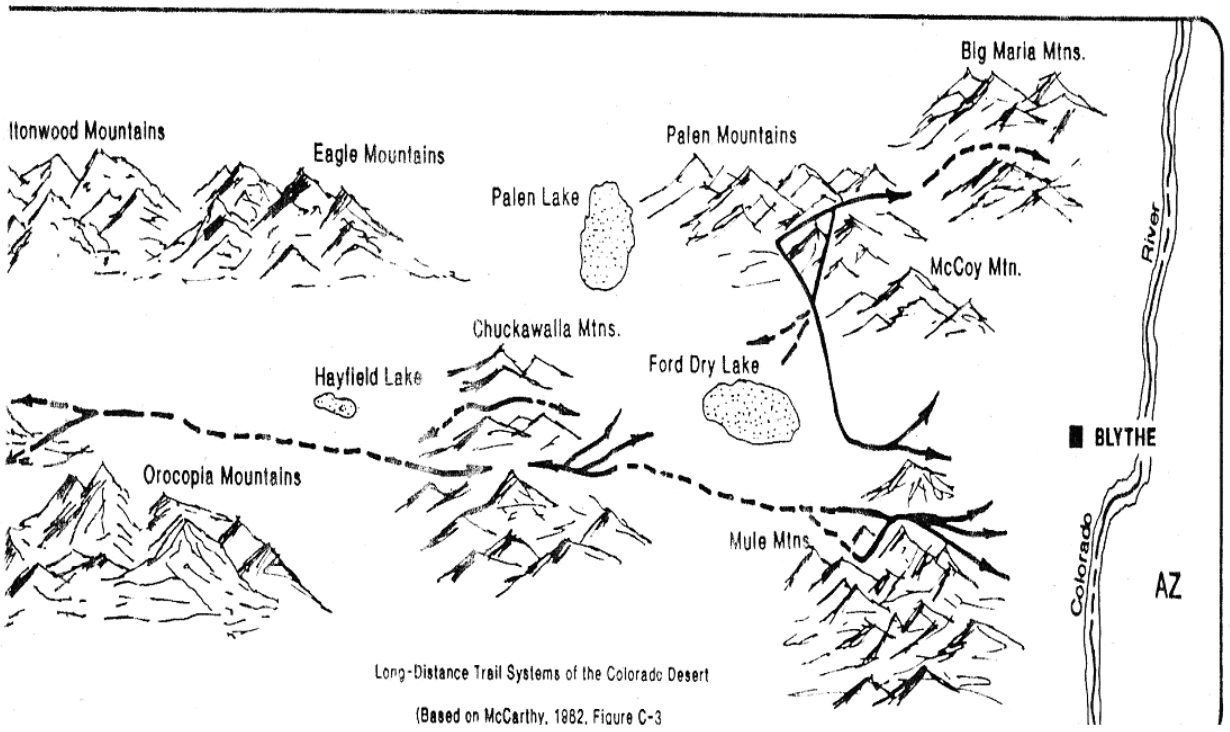

Long-Distance Trail Systems of the Colorado Desert

(Based on McCarthy, 1982, Figure C-3

Respectfully Submitted,

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Dated: December 23, 2009

Verification

I am an officer of the Intervening Corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except matters, which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 23rd day of December 2009, at San Francisco, California.

_____

Lynne Brown Vice-President
CAlifornians for Renewable Energy, Inc. (CARE)

CERTIFICATE OF SERVICE

To reduce the burden of service in this proceeding, the Commission will allow the use of electronic service, to the extent possible using the electronic service protocols provided in this proceeding. All individuals on the service list should provide electronic mail addresses. The Commission and other parties will assume a party consents to electronic service unless the party indicates otherwise.

I hereby certify that I have this day served the document *"CARE comments on NOI to prepare environmental review of the Genesis Solar Energy Project"* under CEC Docket 09-AFC-8. Each person designated on the official service list, has been provided a copy via e-mail, to all persons on the attached service list on December 23, 2009 for the proceedings, 09-AFC-8.

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